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Attorneys for Defendant

UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

DAVID HO, on behalf of himself and) Case No. C 05 04867 (JF)
all others similarly situated and on)
behalf of the general public and)

Stipulation and [Proposed] Order Continuing Deadline for Motion for Certification of Class
Action,
Case No. C 05 04867 (JF)

DOES #1-20

Plaintiff,

v.

ERNST & YOUNG, LLP

Defendants.

**STIPULATION AND [PROPOSED]
ORDER CONTINUING DEADLINE FOR
MOTION FOR CERTIFICATION OF
CLASS ACTION**

Hon. Jeremy Fogel

WHEREAS the Court has set February 2, 2008 as the date for a hearing on Plaintiffs' proposed motion for class certification in the above-captioned action, and has set December 27, 2007 as the date for the cut-off of class certification discovery; and

WHEREAS current lead counsel for Plaintiffs associated into this case in September 2007; and

WHEREAS Plaintiffs' counsel immediately began familiarizing themselves with the case and started conducting discovery in October 2007; and

WHEREAS that discovery includes numerous depositions of Defendant under Rule 30(b)(6) of the Federal Rules of Civil Procedure that have required the scheduling of various officials and employees of Defendant; and

WHEREAS the scheduling of those depositions has been made especially difficult by the fact that they must occur during the holiday season; and

WHEREAS this scheduling has made it virtually impossible for Plaintiffs to conclude class certification discovery and prepare and file a motion for class certification within the current deadlines; and

Stipulation and [Proposed] Order Continuing Deadline for Motion for Certification of Class Action,
Case No. C 05 04867 (JF)

1 WHEREAS the parties believe an extension is in their mutual interest
2 because this Court's decision on Defendant's pending motion for
3 summary judgment could impact Plaintiffs' class certification motion,


4 IT IS HEREBY STIPULATED by and between the parties hereto through
5 their respective undersigned counsel that:

- 6 1. The hearing on Plaintiffs' proposed motion for certification of
7 the above-captioned action as a class action shall be continued
8 from February 2, 2008 until April 4, 2008; and
- 9 2. The date for conclusion of class-certification discovery, and the
10 filing of the motion for class certification shall be continued
11 from December 27, 2007 until February 27, 2008.
- 12 3. Plaintiffs have requested this extension of class certification
13 discovery for the purpose of completing previously noticed
14 depositions, and to engage in "follow-on" discovery suggested
15 by earlier discovery and ongoing depositions.
- 16
- 17 4. In the event of a dispute between the parties concerning any
18 discovery requested after December 27, 2007, in ruling upon
19 such a dispute, the Court shall give such weight to the timing
20 of the request as the Court deems fit.

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22 Dated: December 13, 2007

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24 ARTHUR W. LAZEAR
25 Attorney for Plaintiffs

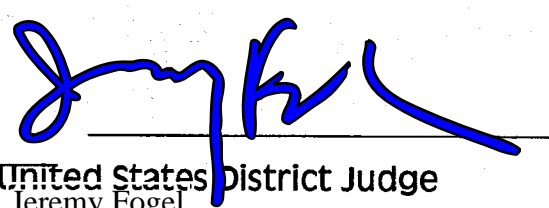
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3 Dated: December 13, 2007


GREGORY W. KNOPP (SBN237615)
AKIN GUMP STRAUSS HAUSER &
FELD LLP
Attorney for Defendant

8 **ORDER**

9 IT IS SO ORDERED.

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11 Dated: 12/14, 2007


United States District Judge
Jeremy Fogel

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26 Stipulation and [Proposed] Order Continuing Deadline for Motion for Certification of Class
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